

REMARKS

Claims 1, 2, 4-9, 11-16, 18-22 and 24-26 are pending in this application. All of the pending claims are rejected. Claims 1, 8, 15 and 22 are currently amended. Reconsideration and further examination are respectfully requested.

Claims 15-16 and 18-21 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter on the grounds that software *per se* is recited. Independent claim 15 is currently amended to recite a program product recorded on a computer readable medium as suggested by the Examiner based on MPEP 2106.01. Claims 16 and 18-21 are dependent claims which recite additional features. Withdrawal of the rejections is therefore requested.

Claims 1-7 and 25 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter on the grounds that a method which is not tied to a particular machine is recited. Independent claim 1 already recites that the method is for sending keep-alive messages by a node to a neighbor in a communication network, so the method is tied to more than one machine. However, the Examiner indicates that this is inadequate based on a BPA opinion. The body of claim 1 is therefore amended to recite language corresponding to that in the preamble. Claims 2-7 and 25 are dependent claims which recite additional features. Withdrawal of the rejections is therefore requested.

Independent claims 8 and 22 are also rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter, although the grounds are not indicated. Claim 8 is currently amended to recite physical features of the apparatus, and also how those features are tied to a computer program. Claim 22 is amended to recite an “apparatus” rather than a “system.” However, the claim already recited interactions between a node and a neighbor in communication

via a link so it is not clear to applicant that there are any grounds for a 35 U.S.C. 101 rejection.

Withdrawal of the rejections is therefore requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

May 5, 2009
Date

/Holmes W. Anderson/
Holmes Anderson, Reg. No. 37,272
Attorney/Agent for Applicant(s)
Anderson Gorecki & Manaras LLP
33 Nagog Park
Acton, MA 01720
(978) 264-4001

Docket No. 120-025
Dd: 05/05/2009